

Appl. No. 10/086,387
Amdt. dated October 27, 2005
Reply to Office Action of June 29, 2005

Amendments to the Drawings:

The attached one replacement sheet of drawings correct minor informalities and generally conform to USPTO drawing guidelines for FIG. 1.

Sheet one, which includes FIG. 1 replaces the original sheet one including FIG.1.

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REMARKS

Claims 1 to 32 were pending in the Application at the time of examination. The Examiner objected to FIG.1. the Examiner rejected Claims 1 to 13 under 35 U.S.C. 101. The Examiner provisionally rejected Claims 1 to 31 under the judicially created doctrine of obviousness-type double patenting over Claim 1 of co-pending Application 10/159,919 filed May 31, 2002. The Examiner rejected Claims 7 to 16, 23 to 28 and 31 under 35 U.S.C. 102(e) as anticipated by the Kramskoy et al. reference (US 6,901,587). The Examiner rejected Claims 1 to 6, 17 to 22, 29, 30 and 32 under 35 U.S.C. 103(a) as obvious over the Kramskoy et al. reference (US 6,901,587) in view of the Beadle et al. reference (US 6,842,897).

Applicant has cancelled Claims 2, 8, 13, 14, 15, 16, 18, 24, 29 and 32, Without prejudice. Applicant has amended all remaining independent Claims 1, 7, 17, 23, 30 and 31. Consequently, Claims 1, 3 to 7, 9 to 12, 17, 19 to 23, 30 and 31 remain in the Application.

OBJECTION TO FIG.1

The Examiner objected to FIG.1 as failing to include the legend "Prior Art".

FIG.1 has been amended to include the legend "Prior Art".

In light of the amendment to FIG.1, Applicant respectfully requests the Examiner withdraw the objection to FIG.1.

REJECTION OF CLAIMS 1 TO 13 UNDER 35 U.S.C. 101

The Examiner rejected Claims 1 to 13 under 35 U.S.C. 101.

Applicant respectfully traverses the non-statutory subject matter rejection of Claim 1.

To make a *prima facie* non-statutory subject matter rejection, the MPEP directs:

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Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. 101. ... Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

MPEP, §2106, 8th Ed., Rev. 2, p. 2100-7 (May 2004). It is noted that this directive stated only if "...the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas . . . should it be rejected [emphasis added]." Accordingly, failure to adhere to the foregoing tenet means that a *prima facie* case of obviousness has not been made.

Applicant respectfully submits that the Examiner has failed to show that Applicants Claims 1 to 13 are "devoid of any limitation to a practical application in the technological arts" and has further failed to "expressly state how the language of the claims has been interpreted to support the rejection".

In light of the discussion above, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1 to 13 under 35 U.S.C. 101.

**REJECTION OF CLAIMS 1 TO 31 UNDER THE JUDICIALLY CREATED
DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING**

The Examiner **provisionally** rejected Claims 1 to 31 under the judicially created doctrine of obviousness-type double patenting over Claim 1 of co-pending Application 10/159,919 filed May 31, 2002.

Applicant respectfully requests that the **provisional** rejection of Claims 1 to 31 under the judicially created

doctrine of obviousness-type double patenting be held in abeyance until such time as claims are allowed and/or issued.

REJECTION OF CLAIMS 7 TO 16, 23 TO 28 AND 31 UNDER 35

U.S.C. 102(E)

The Examiner rejected Claims 7 to 16, 23 to 28 and 31 under 35 U.S.C. 102(e) as anticipated by the Kramskoy et al. reference (US 6,901,587).

Applicant has cancelled Claims 2, 8, 13, 14, 15, 16, 18, 24, 29 and 32, without prejudice. Consequently, Applicant respectfully submits that the rejection of Claims 8, 13, 14, 15, 16, and 24 is now moot. Applicant has amended Claims 7, 23, and 31. Applicant's independent Claim 7, as amended, reads as follows, with emphasis added:

A method for generating a method usage map for use in loading methods into a virtual machine, the methods contained in one or more classes, the method including:

recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond, wherein said recursively scanning includes:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code; and

storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes.

Applicant's independent Claim 23, as amended, reads as follows, with emphasis added:

An apparatus for generating a method usage map for use in loading methods into a virtual machine,

the methods contained in one or more classes, the apparatus including:

means for recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond wherein, said recursively scanning includes:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code;

and

means for storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes.

Applicant's independent Claim 31, as amended, reads as follows, with emphasis added:

A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method generating a method usage map for use in loading methods into a virtual machine, the methods contained in one or more classes, the method including:

recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond wherein, said recursively scanning includes:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code; and

storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes.

As shown above, each of Applicant's independent Claims 7, 23 and 31, as amended, specifically recites:

finding all methods referenced in said application code; and
finding all methods referenced in methods referenced in said application code; and
storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes.

or words to substantially similar effect.

Applicant respectfully submits that the Examiner has failed to show where in the Kramskoy et al. reference it is disclosed, taught or suggested:

finding all methods referenced in said application code; and
finding all methods referenced in methods referenced in said application code; and
storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes.

as recited in Applicant's Claims 7, 23 and 31. Consequently, Applicant respectfully requests the Examiner withdraw the rejection of Claims 7, 23 and 31 under 35 U.S.C. 102(e) and allow Claims 7, 23 and 31 to issue.

In addition, Claims 9 to 12 depend, directly or indirectly on Claim 7, as amended, and Claims 25 to 28 depend, directly or indirectly on Claim 23, as amended. Consequently, Applicant respectfully requests the Examiner withdraw the rejection of Claims 9 to 12 and 25 to 28 under 35 U.S.C. 102(e) and allow Claims 9 to 12 and 25 to 28 to issue as well.

REJECTION OF CLAIMS 1 TO 6, 17 TO 22, 29, 30, AND 32

The Examiner rejected Claims 1 to 6, 17 to 22, 29, 30 and 32 under 35 U.S.C. 103(a) as obvious over the Kramskoy et al. reference (US 6,901,587) in view of the Beadle et al. reference (US 6,842,897).

Applicant has cancelled Claims 2, 8, 13, 14, 15, 16, 18, 24, 29 and 32, without prejudice. Consequently, Applicant respectfully submits that the rejection of Claims 2, 18, 29 and 32 is now moot. Applicant has amended Claims 1, 17, and 30. Applicant's independent Claim 1, as amended, reads as follows, with emphasis added:

A method for loading methods into a virtual machine, the methods contained in one or more classes, the method including:
recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond;
wherein said recursively scanning includes:
finding all methods referenced in said application code; and
finding all methods referenced in methods referenced in said application code;
storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes;
consulting said method usage map upon execution of the virtual machine; and
selectively loading only those methods contained in said method usage map into memory in the virtual machine.

Applicant's independent Claim 17, as amended, reads as follows, with emphasis added:

An apparatus for loading methods into a virtual machine, the methods contained in one or more classes, the apparatus including:

means for recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond;

wherein said recursively scanning includes:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code;

means for storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes;

means for consulting said method usage map upon execution of the virtual machine; and

means for selectively loading only those methods contained in said method usage map into memory in the virtual machine.

Applicant's independent Claim 30, as amended, reads as follows, with emphasis added:

A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for loading methods into a virtual machine, the methods contained in one or more classes, the method including:

recursively scanning through application code beginning at an application entrypoint to determine which methods may be called and the classes to which they correspond wherein' said recursively scanning includes:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code;

storing identifiers corresponding to all said methods referenced in said application code and

all said methods referenced in methods referenced in said application code in a method usage map organized by classes;

consulting said method usage map upon execution of the virtual machine; and

selectively loading only those methods contained in said method usage map into memory in the virtual machine.

As shown above, each of Applicant's independent Claims 1, 17 and 30, as amended, specifically recites:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code;

storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes;

or words to substantially similar effect.

Applicant respectfully submits that the Examiner has failed to show where in the Kramskoy et al. reference, the Beadle et al. reference, or any proper combination of the Kramskoy et al. reference and the Beadle et al. reference it is disclosed, taught or suggested:

finding all methods referenced in said application code; and

finding all methods referenced in methods referenced in said application code;

storing identifiers corresponding to all said methods referenced in said application code and all said methods referenced in methods referenced in said application code in a method usage map organized by classes;

as recited in Applicant's Claims 1, 17 and 30. Consequently, Applicant respectfully requests the Examiner withdraw the

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rejection of Claims 1, 17 and 30 under 35 U.S.C. 103(a) and allow Claims 1, 17 and 30 to issue.

In addition, Claims 3 to 6 depend, directly or indirectly on Claim 1, as amended, and Claims 19 to 22 depend, directly or indirectly on Claim 17, as amended. Consequently, Applicant respectfully requests the Examiner withdraw the rejection of Claims 3 to 6 and 19 to 22 under 35 U.S.C. 103(a) and allow Claims 3 to 6 and 19 to 22 to issue as well.

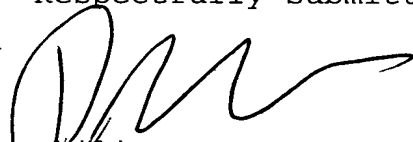
CONCLUSION

For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

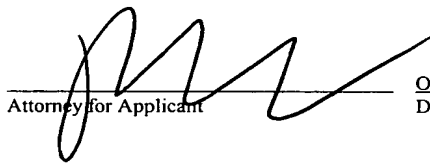
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2005.

Respectfully submitted,



Philip McKay
Attorney for Applicant
Reg. No. 38,966
Tel.: (831) 655-0880



October 27, 2005
Date of Signature